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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re:

GIGA WATT, Inc., a Washington
corporation,

Debtor.

Case No. 18-03197 FPC 11

The Honorable Frederick P. Corbit

Chapter 7

**CHAPTER 7 TRUSTEE'S MOTION
FOR INDICATIVE RULING**

Mark D. Waldron, in his official capacity as the Chapter 7 Trustee, hereby moves the Court pursuant to Bankruptcy Rule 8008 for an Indicative Ruling that the Court would grant the *Chapter 7 Trustee's Motion for Order Approving Settlements* ("Settlement Motion"), [ECF No. 1007](#), if the U.S. District Court for the Eastern District of Washington remands Perkins' pending arbitration appeal for that purpose.¹

As background, this Court denied Perkins' motion to compel arbitration of the Trustee's suit against Perkins, Adv. Proc. No. 20-80031. *See Request for*

¹ This motion is made without waiving any arguments with regarding this Court's jurisdiction or the arbitration appeal.

1 *Judicial Notice in Support of Chapter 7 Trustee's Motion for Order Approving*
2 *Settlements* ("RJN"), [ECF No. 1010](#). RJN No. 14. The District Court affirmed.
3 RJN No. 16. Perkins appealed to the U.S. Court of Appeals for the Ninth Circuit.
4 RJN No. 17. On July 12, 2023, the Court of Appeals remanded the arbitration
5 appeal to the District Court with instructions to remand the appeal to this Court for
6 settlement purposes only. RJN No. 38. The District Court has not yet remanded
7 Perkins' arbitration appeal to this Court. Pending that remand, the Trustee hereby
8 moves for an Indicative Ruling that the Court would approve the Trustee
9 Settlement if the District Court remands for that purpose. The Trustee will then
10 submit the Indicative Ruling to the District Court and ask for remand so that this
11 Court can enter Orders consistent with the Indicative Ruling.

12 Concurrently with this Motion or shortly after filing this Motion, the
13 Trustee is filing a motion with the District Court for an Order remanding Perkins'
14 arbitration appeal. If that remand occurs before the hearing on this Motion, then
15 the Trustee will withdraw this Motion.

16 WHEREFORE, the Trustee respectfully requests entry of an (i) Indicative
17 Ruling that it would grant the Settlement Motion if the District Court remands for
18 that purpose and (ii) Order granting such other and further relief as the Court
19 deems necessary and just.

20 Dated: August 30, 2023

POTOMAC LAW GROUP PLLC

21 By: /s/ Pamela M. Egan
22 Pamela M. Egan (WSBA No. 54736)

23 *Attorneys for Mark D. Waldron, Chapter 11*
Trustee

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